

REMARKS

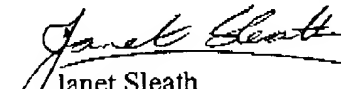
This Amendment and Reply is filed in response to the Office Action mailed October 2, 2002. A Petition for a Two Month Extension of Time is submitted herewith.

In response to the Restriction Requirement, applicant hereby elects the species of pathological cells or tissue. Claim 17 has been amended to remove non-elected subject matter, and claim 18 has been cancelled as being drawn to non-elected subject matter. It is urged that these claim amendments are made solely in response to the Restriction Requirement made by the Examiner and not for any reason related to patentability.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Early reconsideration and allowance of the pending claims is respectfully requested.

Respectfully submitted,


Janet Sleath
Registration No. 37,007

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SPECKMAN LAW GROUP



20601

PATENT TRADEMARK OFFICE

Application No.: 09/326,244

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 18 has been cancelled.

Claim 17 has been amended as follows:

17. (Five times amended) A method for identifying optical contrast enhancing agents useful for enhancing the sensitivity of optical detection of a biological material comprising:

maintaining at least one sample population of the biological material in one of the following systems: a cell culture system; a tissue culture system; an organ culture system; and an intact organism;

exposing the at least one sample population to a candidate optical contrast enhancing agent;

acquiring test data relating to one or more optical properties of the sample population subsequent to exposure to the candidate optical contrast enhancing agent;

comparing the test data acquired to comparison data relating to the one or more optical properties of the sample population, whereby changes in the one or more optical properties reflected in the test data compared to the comparison data represent the optical contrast enhancing activity of said agent in said sample population; and

based on the comparison data, determining if the optical contrast enhancing agent is useful for distinguishing [malignant,] pathological [or dysfunctional] cells or tissue.